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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,821	11/20/2001	Ronald J. Vidal	519-014-USP	8685

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LEVEL 3 COMMUNICATIONS, LLC
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3637

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RONALD J. VIDAL, PAUL ALEXANDER, ROBERT M. KELLY,
DAVID BRUTON and ROBERT TODD

Application No. 09/988,821
Technology Center 3600

Mailed: August 14, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*

ZELE, *Deputy Chief Appeals Administrator.*

ORDER VACATING RETURN TO EXAMINER

On May 6, 2009, an Order Returning Undocketed Appeal to Examiner was mailed, stating that the Examiner had not considered the Reply Brief Filed on March 16, 2007. However, a further review of the file has determined that the Order Returning Undocketed Appeal was mailed in error. The Inventor's name and the mailing address of the appellant were in error.

Accordingly, it is ORDERED that the Order Returning Undocketed Appeal to Examiner mailed May 6, 2009, is herein vacated.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 27, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on March 16, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to issue a PTOL-90C acknowledge the Reply Brief, filed March 16, 2007, as indicated above;
- 2) to take any further action as may be appropriate.

The application will be assigned an Appeal No. and will be assigned to a merit panel in due course.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/mev

Application 09/988,821

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